



NEWS RELEASE

Administrative Office of the U.S. Courts

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To Serve Litigants and Justice, the Judiciary Needs More Judges

The federal courts need more judges, a representative of the Judicial Conference today told the House Judiciary Subcommittee on the Courts, the Internet and Intellectual Property. Despite efforts to deploy judges with maximum effectiveness, current workload needs cannot be met with the current resources.

Judge Dennis Jacobs of the Second Circuit Court of Appeals appeared before the Subcommittee to request 57 new judgeships: 11 additional judgeships in the U.S. courts of appeals and 46 additional judgeships for the U.S. district courts. Jacobs is the chair of the Judicial Conference Committee on Judicial Resources, which is responsible for all issues of human resource administration, including the need for Article III judgeships. The list and locations of recommended judgeships is attached.

"The Conference does not recommend (or wish) indefinite growth in the number of judges," Judge Jacobs said. "*The Long Range Plan for the Federal Courts* recognizes that growth in the Judiciary must be carefully limited to the number of new judgeships that are necessary to exercise federal court jurisdiction. However, as long as federal court jurisdiction continues to expand, there must be sufficient numbers of judges to serve litigants and justice." According to Judge Jacobs, the Conference, in fact, has requested far fewer judgeships than the caseload increases would suggest are now required.

A survey of Article III judgeship needs is conducted every two years by the Conference, Judge Jacobs told the Subcommittee. The final recommendations are based on a number of factors, including: caseload statistics; the number of senior judges and their level of activity; magistrate judge assistance; geographical factors; unusual caseload complexity; temporary or prolonged caseload increases or decreases; use of visiting judges; and any other factors that might have an impact on resource needs.

"Caseload statistics furnish the threshold for consideration," Judge Jacobs said, "but the process entails a searching and critical look at the caseload in light of many other considerations and variables, some of which are subjective and all of which are considered together."

(MORE)

One of the factors affecting the workload in the district courts is the change in the nature of criminal business. “Since 1991, the conviction rate for criminal defendants has grown from 82 percent of all defendants to 90 percent in 2003,” Judge Jacobs told the subcommittee. “Thus even without an increase in the district court caseload, there has been an increase in workload attributable to sentencing.” In 2003, there were 70,585 sentencing hearings.

Another factor is the number of defendants receiving terms of supervised release following a prison term. District court judges now monitor these defendants and review potential violations of the terms of release—approximately 15,000 hearings were conducted in 2003.

Since the last comprehensive judgeship bill in 1990, filings in the courts of appeals as of March 2003, had grown 41 percent, while case filings in the district courts rose 29 percent. Judge Jacobs noted that the national average caseload per three-judge panel has reached 1,090, the highest ever.

“Although the national figures provide a general indication of system-wide changes, Judge Jacobs said, “the situation in courts where the Conference recommended additional judgeships is much more dramatic.”

The district courts in which the Conference is recommending additional judgeships (viewed as a group) have seen a growth in weighted filings per judgeship from 453 in 1991 to 600 in March 2003. The standard used by the Conference as its starting point in the district courts is 430 weighted filings per judgeship. Without the assistance of senior and visiting judges at the appellate level, and senior, visiting, and magistrate judges in the district courts, the federal courts would not have been able to manage the workload increases, Judge Jacobs cautioned, and requested the Subcommittee to give “full and favorable consideration” to the Judicial Conference judgeship recommendations.

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ADDITIONAL JUDGESHIPS OR CONVERSION OF EXISTING JUDGESHIPS RECOMMENDED
BY THE JUDICIAL CONFERENCE
2003

CIRCUIT/DISTRICT	AUTHORIZED JUDGESHIPS*	JUDICIAL CONFERENCE RECOMMENDATION
U.S. COURTS OF APPEALS		9P, 2T
FIRST	6	1P
SECOND	13	2P
SIXTH	16	1P
NINTH	28	5P, 2T
U.S. DISTRICT COURTS		29P, 17T, 5T/P
ALABAMA, NORTHERN	8	1P
ALABAMA, MIDDLE	3	1P
ARIZONA	13	3P
CALIFORNIA, NORTHERN	14	1P, 1T
CALIFORNIA, EASTERN	7	3P, T/P
CALIFORNIA, CENTRAL	28	1P, 2T
CALIFORNIA, SOUTHERN	13	2P, 3T
COLORADO	7	1T
FLORIDA, MIDDLE	15	2P, 1T
FLORIDA, SOUTHERN	18	4P
HAWAII	4	T/P
IDAHO	2	1T
ILLINOIS, NORTHERN	22	1T
INDIANA, NORTHERN	5	1T
INDIANA, SOUTHERN	5	1T
IOWA, NORTHERN	2	1T
KANSAS	6	T/P
MISSOURI, EASTERN	8	T/P
MISSOURI, WESTERN	6	1P
NEBRASKA	4	T/P
NEW MEXICO	7	2P, 1T
NEW YORK, EASTERN	15	3P, 1T
NEW YORK, WESTERN	4	1T
OREGON	6	1P
SOUTH CAROLINA	10	1P
UTAH	5	1T
VIRGINIA, EASTERN	11	2P
WASHINGTON, WESTERN	7	1P

P = PERMANENT

T = TEMPORARY

T/P = TEMPORARY MADE PERMANENT

* Includes judgeships authorized by P.L. 107-273, although the judgeships do not become effective until July 15, 2003.